



## Casual Corruption within the Security Sector

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## Introduction

Corruption is complex phenomena with various dimensions. This issue poses moral and ethical consequences, influences the overall socio-economic situation, and undermines the fundamental pillars of the democratic state.<sup>1</sup> These effects have been witnessed within the institutions of Timor-Leste, which has seen recent decisions and state actions that have violated legal procedures.<sup>2</sup>

According to Article 292-295 of the penal code of Timor-Leste, 'corruption' includes a wide variety of actions, including embezzlement, passive corruption, abuse of power, and trafficking. These activities all describe acts by civil servants or others, done in private interest, that are contrary to their responsibilities and obligations according to the law.<sup>3</sup>

These actions are appearing more frequently inside government institutions,<sup>4</sup> and they can be called instances of "casual corruption, which can include maladministration, disciplinary infraction, and abuse of power. These instances of corruption involve the usage of state resources and facilities in a manner not consistent with the laws and rules of the state.

This FM report will analyze the issue of casual corruption issue in the context of the security sector, particularly as it pertains to the Ministry of Defense and Security (MDS), the Secretary of State for Security (SSS), the F-FDTL, and the PNTL.

## Methodology

In preparation for this report, FM conducted a Security Sector Discussion (SSD) involving the FM research team. In addition, FM interviewed credible sources, analyzed secondary data from national and international media publications, consulted reports from national and international non-government organizations (NGOs), and performed monitoring of casual corruption within the security sector so far.

The contents of this report do not condemn institutions of defense and security as wholly corrupt but, rather, describe acts of casual corruption by civil servant. These actions include misuse of state vehicles, improper public attendance, bribery, falsification of state documents, and overall lack of disciplines.

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<sup>1</sup> Laws of the Commission for Anti-Corruption; Law No. 8/2009, July 15.

<sup>2</sup> Fundasaun Mahein. Casual Corruption in the PNTL. Available at <http://www.fundasaunmahein.org/2014/10/15/casual-corruption-in-pntl/>

<sup>3</sup> Penal Code of Timor-Leste. (2008). Article 292-295: Crimes inside Public Exercises.

<sup>4</sup> Santa, Aderito. 2013. 19 February. Mirror Ourselves with Corruption Habits. Available at <http://embuscada01.blogspot.com/2013/02/leno-ita-rasik-konaba-kultura-korupsaun.html>



## Types of Casual Corruption within the Security Sector

### 1. Poor Discipline in the Usage of State Vehicles

Decree Law No. 8/2003 permits the use of state vehicles during duty hours (07:00-19:00, Monday to Friday). However, according to a report of the Commission of Anti-Corruption (CAC), state vehicles are being used during off-duty hours, include use on Saturday and Sunday.<sup>5</sup> At least 33% of state vehicles belong to politicians and to security institutions.<sup>6</sup> Most of these vehicles are being used for private reasons,<sup>7</sup> prompting the Ministry of Defense and Security to demand “check points” by traffic police in 2012.<sup>8</sup> FM considers the use of state vehicles during off-duty hours as casual corruption, as these vehicles are being used for personal reasons and not in service of the state and the people in this nation.

FM’s monitoring of security institutions has found that some PNTL members in the districts use state cars for private interests and have even broken these vehicles.<sup>9</sup> FM also discovered that PNTL members from the Special Police Unit (EPU) used a vehicle for personal reasons then crashed in the Liquica area.<sup>10</sup>

A similar case took place within the F-FDTL. Some personnel do not work professionally, particularly when using F-FDTL vehicles, and sometimes these state vehicles are broken. FM discovered that two cars of the F-FDTL College were broken. Leaders of the F-FDTL are very concerned with this issue.<sup>11</sup>

A similar case also took place within the executive branch of government. It has been uncovered that some individuals within the executive agencies use state resources for personal reasons. For example, the Chief of the Cabinet of the SSS distributed 27 motorbikes for logistics purposes, but some of these motorbikes are being used for private interests. When this Chief of Cabinet was promoted to the position of National Director in 2012, he received a new Hilux car.

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<sup>5</sup> Ministerial Diploma No 01. 8 March 2010. Available at <http://www.jornal.gov.tl/?q=print/2097>.

<sup>6</sup> CAC published its report regarding the use of state vehicles by civil servants. Available at <http://www.thediliweekly.com/news/news/488-cac-launches-report-on-the-use-of-state-vehicles>

<sup>7</sup> kla’ak Semanal. Use of State Cars for Private Interest: The Government Involved in Corruption <http://klaak-semanal.blogspot.com/2008/04/lori-kareta-estadu-ba-interese-privadu.html>

<sup>8</sup> PM Xanana Commands Traffic Police to Arrest State Cars. Available at <http://www.diariutimorpost.tl/berita-271-pm-xanana-manda-polisia-tranzitu--prende-kareta-estadu.html>

<sup>9</sup> Jeronimo, Carlos. (15 December 2014). Chief of the PNTL Justice Department. Private Interest

<sup>10</sup> Utilizing the Security Institutions’ Vehicles: Irregularities. Available at <http://www.fundasaunmahein.org/2014/11/10/security-force-vehicles-are-being-used-irresponsibly-2/>

<sup>11</sup> Jornal Suara Timor Lorosa’e. SED Hands over 9 Mini Cars (Aicon) to the F-FDTL. Tinan 2013



However, this individual did not turn in the old car, a Nissan, which he received in 2008. This car has been in possession of his family<sup>12</sup> and has been used for private interest.<sup>13</sup>

Based on the issues discussed above, FM has become concerned with the irresponsible acts of civil servants, particularly within the institution of defense and security.

## 2. Bribery and Falsification of Documents

Acts of bribery and counterfeiting have also become issues of casual corruption within civil and security-related institutions.<sup>14</sup> According to a national media publication in 2014, members of the PNTL at the Migration Services Department were suspected of soliciting bribes from communities at the land border.<sup>15</sup>

Another bribery case immediately involved some PNTL district commanders, who reportedly asked for money, phone credit, and fuel while participating in a community meeting organized by civil society organizations.<sup>16</sup> In 2011, some security-related civil servants were accused of taking part in bribery during the construction of Hera Port.<sup>17</sup>

Falsification of state documents has continued to occur within security institutions, particularly in the Migration Services Department, where security personnel have enabled foreign people to come to Timor-Leste with tourist visas. These personnel have been condemned in 2013.<sup>18</sup>

FM also discovered a similar case, in which public servants of security institutions falsified receipts or invoices from restaurants and shops. This case is strongly concerned by the Vice Prime Minister, Fernando Lasama de Araujo.<sup>19</sup>

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<sup>12</sup> This chief's family also works at the SSS but this car was not actually received by him. According to procedure, this car should be returned to the institution then handed to the next competent person.

<sup>13</sup> Jornal Diariu Nasional, (2014) DN-SES Becomes a Suspect for the Car (NISSAN). 2014. Available at <http://www.jndiario.com/2014/01/29/dn-ses-sai-arguido-ba-kareta-nissan/>

<sup>14</sup> Jornal Suara Timor Lorosa'e. Available at [The Bribery Impact, The Government Creates Corruption.http://coloquioslusofonia.blogspot.com/2013/02/timor-lorosae-noticias-23fev012.html](http://coloquioslusofonia.blogspot.com/2013/02/timor-lorosae-noticias-23fev012.html)

<sup>15</sup> Jornal Diariu Nasional. Members of the PNTL Receive Bribes. Available at <http://www.jndiario.com/2014/10/17/oknum-pntl-simu-subornu/>

<sup>16</sup> Fundasaun Mahein. (October 2014). Casual Corruption in the PNTL. Available at <http://www.fundasaunmahein.org/2014/10/15/casual-corruption-in-pntl/>

<sup>17</sup> Tempo Semanal, (January 2011). Temporary Head of the F-FDTL, Fretilin MP, Accuses Civil Servants of Asking for Money. Julio Pinto Requests that the Case be Presented to the CAC. Available at <http://temposemanaltimor.blogspot.com/2011/01/portu-temporariu-f-fdtl-deputadu.html>

<sup>18</sup> Fundasaun Mahein. Increasing presence of foreign laborers in Timor-Leste, which is not well regulated. Available at [http://www.fundasaunmahein.org/wp-content/uploads/2014/04/MNL\\_Nu.76\\_30042014\\_Trabailador-Estranjeirupdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2014/04/MNL_Nu.76_30042014_Trabailador-Estranjeirupdf.pdf)



### 3. Theft of State Fuel

Another act of casual corruption by members of the security and defense institutions is the theft of state fuel. Individuals have manipulated their allotted “Fuel Coupons” to fill their private cars and motorbikes.<sup>20</sup> In 2014, people were surprised when members of the PNTL were captured in regards to the theft of PNTL fuel for personal reasons.<sup>21</sup>

The case reached judgment in mid-2014, during which the court in Dili made a preliminary decision and applied preventive prison for two members of the PNTL, Lino Leão Gonçalves de Jesus and Domingos Martins. The appellate court accused these two members of committing abuse of power and embezzlement, according to Articles 295 and 297 of the penal code of Timor-Leste.

Private lawyer Manuel Goncalves explained that the appellate court condemned these two suspects because they have committed embezzlement, according to the penal code of Timor-Leste. Article 295, which pertains to embezzlement, demands a sentence of 4 to 12 years. Under Article 297, abuse of power is punishable by 1 to 4 years in prison. The cases of these two suspects are registered with the number 0098/14/DIDIL.

Police officials stopped a vehicle in use of a PNTL fuel coupon as it drove with a full tank away from the Ruvic Fuel Lda Company, the official fuel supplier for the PNTL. This occurred near the Fransisco Borja da Costa-Motael Park. The quantity of the fuel stolen amounted to about 5 thousand liters.<sup>22</sup>

During its monitoring of state fuel suppliers, FM observed that some civil servants from security institutions use fuel coupons to fill their private cars and motorbikes. This situation greatly threatens state activities, especially in the districts and rural areas, where personnel have reported a lack of fuel. Indeed, the Corps Commander of the Fire Brigades of Manufahi reported that his unit faced a lack of fuel.<sup>23</sup>

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<sup>19</sup> Civil Servants Suspected of Falsifying Invoices. Available at <http://www.timorhauniandoben.com/2012/10/deskonfia-funsionariu-publiku-balun.html>.

<sup>20</sup> Lots of Private Cars and Motorbikes Fill Tanks with State Fuel Coupons. Available at <http://www.timorhauniandoben.com/2012/10/kareta-ho-motor-privadu-barak-ense-mina.html>

<sup>21</sup> Tempo Semanal. (May 2014). Ministry of Health Investigates the State Actors Accused of Stealing State Fuel. Available at <http://www.temposemanal.com/latest-news/ministeiru-saude-investiga-servidor-estadu-nauk-mina-estadu>.

<sup>22</sup> Suspected of stealing fuel, 2 PNTL Members get preventive Prison. Available at: <http://suara-timor-lorosae.com/deskonfia-naok-kombustivel-pntl-nain-2-tama-prizaun-preventiva/#sthash.09H4HWPW.dpuf>

<sup>23</sup> Jornal Timor Post. (05 April 2013). Insufficient Fuel for the Fire Brigade Service.



#### 4. Lack of Discipline During Work Hours

Poor discipline while working has become a bad habit inside state institutions, particularly the institutions responsible for defense and security. According to FM's monitoring, some members of security institutions have exhibited poor discipline, especially in absence from the workplace for up to a week and poor adherence to normal work hours. FM discovered this indiscipline case is taking place mostly inside the F-FDTL and PNTL where some members have been dismissed because of discipline infraction.<sup>24</sup>

The Chief of the PNTL Justice Department has recognized the viable threat that poor discipline poses to the development of the PNTL as an institution. In mid-2014, the PNTL addressed 63 cases of poor discipline that had been brought forth to the justice department, suspending the responsible personnel. Most of the cases related to criminal offenses of PNTL personnel, and the remainder of cases involved members who had abandoned their responsibilities.<sup>25</sup>

FM has also discovered the existence of casual corruption, particularly in disciplinary matters, within the F-FDTL.<sup>26</sup> The F-FDTL Command dismissed 43 members during 2014 for abandoning their work responsibilities and leaving the institution without justification.<sup>27</sup>

#### FM's Encounter with Casual Corruption in the PNTL

Every year, FM attends and participates in community workshops. These workshops provide a chance for community members to meet with PNTL officials and FM to discuss issues relating to security and the security sector. These workshops and visits have proven effective in strengthening ties between PNTL General Commanders and their respective communities.

On 1 October 2014, FM hosted a community workshop in a district. Suddenly, without prompting, the PNTL District Commander, who was the host of the event, asked for a "tip." FM responded that there was no 'tip' available, because the workshop was a conjoint activity. This commander then asked for "phone credit and money" to pay for phones, fuel, and lunch items. Apparently, this commander has forgotten that FM is dedicated to monitoring the security sector for transparency and accountability.

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<sup>24</sup> Fundasaun Mahein. Dismissed Members of the F-FDTL – PNTL: Disciplinary Reform? Available at [http://www.fundasaunmahein.org/wp-content/uploads/2014/08/MNL\\_Nu.-83\\_1902014\\_Demisaun-F-FDTLpdf.pdf](http://www.fundasaunmahein.org/wp-content/uploads/2014/08/MNL_Nu.-83_1902014_Demisaun-F-FDTLpdf.pdf)

<sup>25</sup> Jeronimo, Carlos. (15 December 2014). Chief of the PNTL Justice Department. Private Interest.

<sup>26</sup> Disciplinary Compromises and Challenges for the PNTL and F-FDTL. Available at <http://www.fundasaunmahein.org/2014/02/26/komprimentu-disiplinar-dezafiu-ba-instituissau-pntl-f-fdtl/>.

<sup>27</sup> CNRT Party. The F-FDTL Commander Dismisses 24 Members. Available at <http://partidocnrt.org/notisia/nasional/151-komandu-f-fdtl-espulsa-membru-faltozu-24.html>



This profit-making tendency has been noted by PNTL members in reference to their commanders, who have taken money for personal interests. This includes the superior commanders, who have ultimate responsibility for PNTL members. FM is shocked as it continues to receive reports from PNTL personnel concerning casual corruption by superior commanders.

FM has also overheard and received cases regarding PNTL personnel asking citizens for permission to use their cars investigation. FM does not yet fully understand these cases, because we have all seen PNTL vehicles driving around, often at high speeds.

*In light of these incidents, the following questions have emerged about PNTL activities:*

1. Is it possible that the PNTL does not have sufficient logistics and equipment, and this shortage is causing personnel to collect money and transport from other public organizations?
2. Why do high-ranking members of the PNTL seem to not understand what constitutes the differences between proper duty and corruption? Are these members promoted for their honesty and duty?
3. Why do PNTL personnel feel no trust in PNTL internal justice process but, rather, report cases of corruption to FM?

*In response to the questions above, FM recommends that the PNTL do the following:*

1. Investigate cases of corruption involving members of the PNTL.
2. Provide education to members, particularly to superiors, that demonstrates communication, anti-corruption, and professional practice.
3. Develop transparency within the reporting system for internal cases, so that those reporting corruption are protected.
4. Apply a zero-tolerance disciplinary system to members who fail to exercise professionalism in their duties.

## **Recommendations**

FM recommends that the Ministry of Defense and Security, F-FDTL commanders, and PNTL commanders implement rigorous institutional rules and laws. These rules should apply to all members (military, police, and civil servants) of each institution. In particular, these individuals should be forced to obey the rules outlining responsible usage of state vehicles.





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